

DECISION



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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-212378.4

DATE: August 10, 1983

MATTER OF: TWC Energy Systems, Inc.

DIGEST:

Protest not received in our Office within 10 working days after the protester knew or should have known of the basis of its protest is untimely and will not be considered.

TWC Energy Systems, Inc. (TWC), protests the award of any contract under request for proposals No. DACA05-83-R-0046, issued by the Army. By letter dated July 5, 1983, the Army informed TWC that its proposal was technically unacceptable to step one of the two-step procurement. TWC's protest was received in our Office on July 28.

Section 21.2(b)(2) of our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1983), provides that a protest must be filed within 10 working days after the basis for the protest is known or should have been known. The July 5 letter, informing TWC that its proposal was nonresponsive, was sent certified mail, return receipt requested, and we have been informed that TWC received the letter on July 8. Since the protest filed by TWC was not filed within 10 working days, as required, it is untimely and will not be considered.

fa *F. H. Barclay Jr.*
Harry R. Van Cleve
Acting General Counsel

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